

## REMARKS

In the Office Action, claims 1 - 17 were noted as pending in the application, and all claims were rejected. By this amendment, no claims have been canceled, added, or amended. Thus, claims 1 - 17 are pending in the application. The rejections of the Office Action are traversed below.

### **Information Disclosure Statement**

Two Information Disclosure Statements have been filed herein, on August 14, 2001 and on August 23, 2003. The present Office Action includes a copy of the August 23, 2003 IDS, wherein the Examiner has considered the references listed therein. However, there is no indication in the Office Action that the August 14, 2001 IDS has been considered. The Applicant respectfully requests the August 14, 2001 IDS be considered. If the August 14, 2001 IDS cannot be found in the file, the Examiner is respectfully requested to call the undersigned, and a copy of the August 14, 2001 IDS can be faxed to the Examiner for consideration.

### **Rejection of Claims 1, 2, 8, 9, and 15 under 35 USC §103**

In items 2 and 3, on pages 2 - 3 of the Office Action, claims 1, 2, 8, 9, and 15 were rejected under 35 USC §103. In these rejections, U.S. Patent 5,881,104 to Akahane was relied on as the primary reference, with U.S. Patent No. 6,400,928 to Khullar et al. being relied on as a secondary reference. The '928 patent was filed November 19, 1999 and issued June 4, 2002. Further, the '928 patent and the present application are both assigned to Telefonaktiebolaget L M Ericsson. The present application was filed on December 14, 2000. Therefore, the '928 patent qualifies, if at all, as prior art under 35 USC §102(e). However, the '928 patent is disqualified as prior art under 35 USC §103(e), as being owned by, or subject to an obligation of assignment to the same entity as the present application. Accordingly, withdrawal of the rejection of claims 1, 2, 8, 9, and 15 is respectfully requested.

### **Rejection of Claims 1 and 8 under 35 USC §103**

In item 2, on pages 2 - 3 of the Office Action, claims 1 and 8 were rejected under 35 USC § 103 as being unpatentable over U.S. Patent 5,881,104 to Akahane in view of U.S. Patent No. 6,400,928 to Khullar et al. This rejection is respectfully traversed.

### **The Claimed Invention**

Exemplary embodiments of the Applicant's invention are directed to a system and method for compressing received data in a communications system. Transmitted data blocks are received in a receiver and decoded. Data blocks which fail the decoding step are compressed and stored in the receiver. Data blocks corresponding to the failed data blocks are retransmitted to the receiver, where they are each combined with the associated decompressed data block. The combined data block is then decoded.

### **The Akahane Patent**

Akahane discloses a transmitter and receiver for transmitting and receiving voice messages, wherein the transmitted message is compressed in accordance with a data compression mode selected by the user (Akahane at abstract; Col. 4, lines 46 - 51). The transmitter includes a data compressor for compressing the encoded voice message (Col. 2, lines 9 - 16). The receiver includes a data decompressor for decompressing the received encoded voice message (Col. 2, lines 17 - 24).

### **The Claimed Invention is Patentably Distinguishable Over the Cited Documents**

The Applicant's claimed invention is directed to a system and method for compressing received data in a communications system. In particular, transmitted data blocks are received in a receiver and decoded. Data blocks which fail the decoding step are compressed and stored in the receiver. The Office Action cites to Akahane as allegedly disclosing these features of independent claims 1 and 8. The Applicant respectfully asserts that the Office Action's reliance on Akahane is misplaced because the only data compression disclosed in Akahane is within the transmitter (see Akahane at abstract; Col. 2, lines 9 - 23; Col. 6, lines 16 - 37; Fig. 3). In contrast, the claimed compression recited in claims 1 and 8 takes place within the receiver (see specification at page 5, lines 6 - 8).

As admitted in the Office Action, Akahane fails to disclose the remaining features recited in independent claims 1 and 8. The Office Action relies on the Khullar et al. reference to allegedly teach the remaining features recited in claims 1 and 8. However, as discussed above, Khullar et al. is not a valid reference as a basis for rejecting any of the present claims under 35 USC §103. Accordingly, neither Akahane nor Khullar et al., whether taken singularly or in combination, renders obvious the features recited in independent claims

1 and 8.

For the reasons discussed above, claims 1 and 8 are believed to be patentably distinguishable over Akahane and Khullar et al. Accordingly, it is respectfully requested that the rejection of claims 1 and 8 be withdrawn.

**Rejection of Claims 2, 9, and 15 under 35 USC §103**

In item 3, on page 3 of the Office Action, claims 2, 9, and 15 were rejected under 35 USC § 103 as being unpatentable over Akahane in view of Khullar et al. and further in view of U.S. Patent No. 6,366,545 to Koyata. This rejection is respectfully traversed

**The Koyata Patent**

Koyata discloses a method and apparatus for processing an inputted digital signal on a time axis, wherein the inputted digital signal is transformed into spectrum data on a frequency axis (Koyata at Col. 4, lines 35 - 39; Col. 20, lines 10 - 13). A scale factor is calculated for every divided band on the frequency axis (Col. 4, lines 39 - 41; Col. 20, lines 13 - 16). The band-divided spectrum data of the inputted signal is compressed in response to the calculated scale factor of every divided band (Col. 4, lines 41 - 45; Col. 20, lines 16 - 18). The compressed digital data is computed, including the scale factor of every divided band and the spectrum data, for changing the acoustical characteristics of the compressed digital data (Col. 4, lines 45 - 50; Col. 20, lines 29 - 33). Then the compressed digital data whose acoustic characteristics have changed is recorded (Col. 4, lines 51 - 54; Col. 20, lines 33 - 35).

**The Claimed Invention is Patentably Distinguishable Over the Cited Documents**

As discussed above, the Applicant's claimed invention is directed to a system and method for compressing received data in a communications system. In particular, transmitted data blocks are received in a receiver and decoded. Data blocks which fail the decoding step are compressed and stored in the receiver. As recited in dependent claims 2, 9, and 15, compressing each failed data block includes calculating a scale factor that represents soft values within the failed data block and storing the scale factor and a sign of each soft value within the failed data block in memory. The Office Action admits that neither Akahane nor Khullar discloses such a feature and then cites to Koyata as allegedly disclosing "compress[ing] data by calculating a scale factor that represents transmitted data." The

Applicant respectfully disagrees. Not only does Koyata fail to remedy the deficiencies of Akahane and Khullar as pointed out above, but Koyata also fails to disclose the features recited in dependent claims 2, 9, and 15.

In the present application, a scale factor is calculated that estimates the soft values in a failed data block (specification at page 5, lines 16 - 17). Each soft value's sign is then stored in memory instead of storing the entire soft value (page 5, lines 18 - 19). These features are recited in claims 2, 9, and 15 as "calculating a scale factor that represents soft values within the failed data block," wherein the scale factor and the sign of each soft value are stored within the failed data block in memory. In contrast, Koyata calculates a scale factor of every divided band on the frequency axis of the received digital data (Koyata at Col. 4, lines 41 - 45; Col. 5, lines 17 - 18). Not only does Koyata fail to disclose any soft values, Koyata is also silent regarding any failed data blocks, much less compressing the failed data blocks, which is the basis for dependent claims 2, 9, and 15.

For the reasons expressed above, the Applicant respectfully submits that the Akahane, Khullar, and Koyata references, whether taken alone or in any combination, fail to render obvious the features recited in dependent claims 2, 9, and 15. Therefore, claims 2, 9, and 15 are believed to be patentably distinguishable over the cited references. Accordingly, it is respectfully requested that the rejection of claims 2, 9, and 15 be withdrawn.

#### **Allowable Subject Matter**

The Applicant notes with appreciation that the Office Action indicated in item 4, on page 4 of the Action, that claims 3 - 7, 10 - 14, 16, and 17 would be allowable if rewritten in independent form, including all the limitations of the base claim and any intervening claims. However, under the reasoning presented above, it is respectfully asserted that independent claims 1, 2, 8, 9, and 15 are also allowable, which would render claims 1 - 17 allowable.

Summary

It is submitted that none of the documents, either taken alone or in combination, teach the claimed invention. Thus, claims 1 - 17 are deemed to be in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited. If any fees are required in connection with this Amendment, please charge the same to our Deposit Account No. 02-4800.

Respectfully submitted,

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